

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

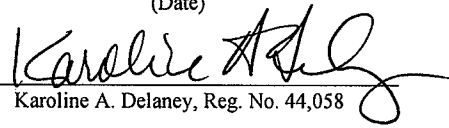
Applicant : Bellott et al.
App. No : 10/584,821
Int'l App. : PCT/US04/43087
Filed : June 26, 2006
For : SMMR (SMALL MOLECULE
METABOLITE REPORTERS) FOR
USE AS IN VIVO GLUCOSE
BIOSENSORS
Examiner : Campbell, Barbara A.
Art Unit : Unknown
Conf # : 5573

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March 13, 2008

(Date)


Karoline A. Delaney, Reg. No. 44,058

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed February 11, 2008, the Applicants hereby petition to withdraw the holding of abandonment of the above-referenced application pursuant to 37 C.F.R. § 1.181 and in accordance with the guidelines set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 711.03(a).

Applicants filed a declaration document on October 22, 2007 after receiving a Notification of Missing Requirements. On February 11, 2008, the Examiner notified Applicants that the above-identified application had been abandoned for failing to meet the requirements for declarations under 35 U.S.C. § 371, 37 C.F.R. § 1.495, and M.P.E.P. § 201.03(II)(B).

Pursuant to M.P.E.P. § 602.03, "[i]n the first Office action the examiner must point out every deficiency in a declaration or oath and require that the same be remedied." Applicants had not received a first Office action or other notice of deficiency prior to receiving the Notice of

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Abandonment. Accordingly, Applicants submit that the Notice of Abandonment was untimely and improper.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the Notice of Abandonment and enter the enclosed Declaration which overcomes the deficiencies of the previous Declaration in response to the Notification of Missing Requirements. If further issues remain to be resolved, the Applicants' undersigned attorney of record hereby formally requests a telephone interview, pursuant to M.P.E.P. § 713.01, with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. The Applicants' attorney can be reached at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 13 March 2008

By: Karoline A. Delaney
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AMEND

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